

**United States**  
**Department of the Interior**  
**Bureau of Land Management**

*Miles City Field Office*

**Mid-Rivers Fiber Optic  
Telecommunications Cable  
Installation ROW MTM 105509**

Environmental Assessment (EA)  
DOI-BLM-MT-C020-2013-0114-EA

*For Further Information Please Contact:*

Bureau of Land Management  
Miles City Field Office  
111 Garryowen Road  
Miles City, Montana 59301  
406-233-2800

BLM



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

ENVIRONMENTAL ASSESSMENT REVIEW

<b>OFFICE/AREA:</b> Miles City Field Office	<b>DOI-BLM-MT-C020-2013-0114-EA</b>
	<b>DATE ENTERED:</b> 3/12/2013
<b>NAME:</b> Mid-Rivers Fiber Optic Telecommunications Cable Installation Right-of-way MTM-105509	<b>DATE DUE:</b> 3/19/2013
	<b>FUNDING:</b> Applicant
<b>LOCATION:</b> See Legal Descriptions below in Dawson County, Montana, PMM	<b>SERIAL #:</b> MTM-105509

<b>ORIGINATOR DATE/INITIALS</b>	<b>TITLE</b>	<b>ASSIGNMENT</b>
Dalice Landers 3/12/13 <i>DDL</i>	Realty Specialist	Project Coordinator and Lands and Realty

<b>REVIEWERS</b>	<b>TITLE</b>	<b>ASSIGNMENT</b>	<b>DATE/INITIALS</b>
Kent Undlin	Wildlife Biologist	Wildlife/T&E	3/14/13 <i>KU</i>
Doug Melton	Archaeologist	Cultural/Paleo	03/17/13 DM Cultural Report MT-020-12- 270
Dena Lang	Outdoor Rec. Planner	VRM/Rec/Wilderness	4/12/2013 <i>DJL</i>
Brenda Witkowski	Natural Res. Spec.	Weeds	3/19/13 <i>BSW</i>
Chris Robinson	Hydrologist	Hydrology	3/15/13 <i>CNR</i>
Mel Schroeder	Soil Scientist	Soils	4.9.2013 <i>MJS</i>

  
\_\_\_\_\_  
ENVIRONMENTAL COORDINATOR

4/15/2013  
DATE

  
\_\_\_\_\_  
SUPERVISORY LAND USE SPECIALIST

4/16/2013  
DATE



## ENVIRONMENTAL ASSESSMENT

**EA NUMBER:** DOI-BLM-MT-C020-2013-0114-EA **Serial Number:** MTM-105509

**PROPOSED ACTION/TITLE TYPE:**

Mid-Rivers Fiber Optic Telecommunications Cable Right-of-way MTM-105509

**LOCATION OF PROPOSED ACTION:**

T. 15 N., R. 57 E., Section 5: Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
T. 16 N., R. 56 E., Section 28: SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Section 34: S $\frac{1}{2}$ N $\frac{1}{2}$ ;  
T. 16 N., R. 57 E., Section 22: W $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
T. 17 N., R. 56 E., Section 12: N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
T. 17 N., R. 57 E., Section 4: Lots 3-4, Dawson County, Montana, PMM.

**PREPARING OFFICE:** Miles City Field Office

**APPLICANT:** Mid-Rivers Telephone Cooperative, Inc.  
105 Seven Mile Drive  
Glendive, Montana 59330

**DATE OF PREPARATION:** March 12, 2013

**CONFORMANCE WITH APPLICABLE LAND USE PLAN:** This proposed action is in conformance with the Big Dry RMP ROD approved in 1996. On page 10 of the Record of Decision, it states; "In areas where rights-of-way are allowed, stipulations from the BLM Manual 2800 will be used to protect resource values." The proposed action has been reviewed for conformance with this plan and its terms and conditions as required by 43 CFR 1610.5.

**PURPOSE AND NEED:** Mid-Rivers Telephone Cooperative, Inc. would like to install a buried fiber optic telecommunications cable for improved services to their customers in south Dawson County (Belle Prairie). These rural customers would receive the latest innovations in the telecommunications industry such as video, high-speed internet, and enhanced capacities for voice and data transmission. The fiber optic line would be installed along the county roads and Mid-Rivers' existing lines in the above locations.

**PROPOSED ACTION:** Mid-Rivers Telephone Cooperative, Inc. would like to install a fiber optic telecommunications cable in the locations described above. The new line would parallel the county roads and Mid-Rivers' existing lines.

The proposed route was selected because it is the most direct route. The proposed cable would cross several parcels of Federal land (PD Land). The right-of-way would be 20 feet wide, 14,203.20 feet long, and consist of 6.52 acres, more or less.

The fiber optic cable would be buried using the direct static plow method and directional boring. The small diameter cables would be placed in the ground in a narrow slot using a vertical cable plow which is pulled by one or more crawler tractors. The operation is a continuous process that does not create any open trenches.

The trench would be approximately three inches wide. This would allow for minimal ground disturbance of the cat tracks and the plow scar. There would be periodic above-ground, standard fiber pedestals that serve as connection points and are necessary for the splicing and maintenance of the cable. The nominal depth is a minimum of 36 inches on Federal lands. All asphalt driveways, paved roads, pipelines, canals, streams, wetlands or endangered species habitats would be bored under using the directional boring method of construction. This would minimize the disruption of sensitive surface areas. The work force would consist of four people and numerous vehicles. There would be one 1½-half ton pickup, one one-ton pickup, two gooseneck trailers, and one cat with backhoe. No clearing or grading of the proposed route would be needed. Construction activities would start in the spring or summer of 2013 and would probably be completed in six months or less. Access would be from the county road. No new roads would be needed. The line would be operated on a year-around basis. Construction activities would cease if precipitation occurs and would not resume until the ground is sufficiently dry to eliminate surface damage by construction equipment. No known hazardous materials would be used during construction or any time on the right-of-way. No site clearing or topsoil removal would be necessary. Once constructed, the line would require minimal expenditures for operation and maintenance. Periodic inspections would be conducted by Mid-Rivers Telephone to ensure the line's structural integrity. Right-of-way construction and use would be monitored by the BLM. There would be no blading so no seedmix would be needed; the small amount of disturbance would revegetate naturally. No temporary use work areas would be needed for construction of this project.

The buried line would pass through a portion of the Seline Area of Critical Environmental Concern (ACEC) in the SW¼SE¼ of Section 22, T. 16 N., R. 57 E. The site itself is located in the SE¼SW¼ of Section 22, T. 16 N., R. 57 E. The line would be located along existing disturbance near the county line and would not affect the reasons the area was designated as an ACEC in the big Dry Resource Management Plan in 1996. Based on the site avoidance, lack of sites on BLM managed lands, and avoidance of impacts to the Seline Site ACEC, BLM determined the project would have no effect to historic properties. The Montana SHPO concurred with BLM's determination of no effect on historic properties on March 04, 2012. The proposed action would not impact cultural resources on BLM managed lands. Although the proposed action runs through the Seline Site ACEC boundaries, it would not impact the Seline Site itself. The site is over 200 feet from the proposed action and separated by a large hill.

Termination activities for the Federal surface area would be conducted in much the same manner as construction activities. Access would be available along the same route. Their above-ground appurtenances would be removed and disposed of in a licensed landfill. The buried line would be left in the ground.

The right-of-way would be issued pursuant to 43 CFR 2800, Title V of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 Stat. 2776; 43 U.S.C. 1761), and in accordance with the April 1982 Memorandum of Understanding between the Bureau of Land Management and the Montana Associated Utilities for the construction, operation, maintenance, and termination of the proposed project. The right-of-way would be subject to the terms and conditions in 43 CFR 2800, the terms and conditions and stipulations specified below, and mitigations set forth in the application. They requested a right-of-way term for a period of 30 years and be renewable. Mid-Rivers Telephone would be subject to cost recovery, but would be exempt from rental because they are an affiliate of the Rural Electrification Act. The line is proposed to be constructed in the spring or summer of 2013. The line would be used on a year-around basis to transport phone service to their customers.

The standard stipulations for cultural and/or paleontological resource protection and toxic substances would be made a part of the right-of-way grant, as would the standard stipulation that all activities associated with the right-of-way would be conducted within the authorized limits of the grant. The applicant shall be responsible for weed control on disturbed areas within the limits of the right-of-way. There would be no construction or routine maintenance when the soils are too wet. The holder of this right-of-way grant or the

holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto. The right-of-way would be subject to mitigations set forth in the application and plan of development. The holder shall coordinate with the parties holding authorized rights on the adjacent and affected lands.

**ALTERNATIVE 1 - NO ACTION:** The no action alternative would be not to allow Mid-Rivers Telephone Cooperative, Inc. a right-of-way across Federal land.

**AFFECTED ENVIRONMENT:** The following critical resources have been evaluated and are not affected by the proposed action or the alternatives in this EA:

<b>Mandatory Item</b>	<b>Potentially Impacted</b>	<b>No Impact</b>	<b>Not Present On Site</b>
Threatened and Endangered Species			X
Floodplains			X
Wilderness Values			X
ACECs		X-DM	
Water Resources		X	
Air Quality		X	
Cultural or Historical Values		X-DM	
Prime or Unique Farmlands			X
Wild & Scenic Rivers			X
Wetland/Riparian		X	
Native American Religious Concerns			X
Wastes, Hazardous or Solids			X
Invasive, Nonnative Species			X
Environmental Justice		X	

*The following non-critical resources will not be impacted by this proposed action; therefore they will not be analyzed in detail by this Environmental Assessment: forestry, riparian, hydrology, wilderness, wild horse/burro, fire, geology, minerals, noise, and weeds.*

**Cultural:** The proposed action was inventoried for cultural resources by archaeologist from Kadrmas, Lee, and Jackson of Bismarck, North Dakota. The inventory did not locate any cultural resources on BLM managed lands and located six cultural sites and one isolated find were located on non-BLM managed lands in the project inventory (See BLM Cultural Resources Report MT-020-12-270). The sites would be avoided by the project. The proposed line will cross through the Seline Site Area of Critical Environmental Concern (ACEC). The line would along exiting disturbance near the county line and would not affect the reasons the area was designated as an ACEC in the big Dry Resource Management Plan in 1996. Based on the site avoidance, lack of sites on BLM managed lands, and avoidance of impacts to the Seline Site ACEC, BLM determined the project would have no effect to historic properties. The Montana SHPO concurred with BLM's determination of no effect on historic properties on March 04, 2012.

**Hydrology:** The proposed action is located within the Glendive Creek (HUC 1010000412) and Boxelder Creek (HUC 1010000416) Watersheds. Aside from Glendive and Boxelder Creek, drainages in the area are largely ephemeral in nature and only flow as a result of snowmelt or precipitation events. Peak flows generally occur March through May, resulting from melting snow and rainfall. Intense flows of short duration occur throughout the summer following thunderstorms. Glendive Creek is a perennial stream and is MT-DEQ listed under §303(d) of the Clean Water Act as impaired due to metals, solids, and alteration in stream-side cover. The impairment has been attributed to natural sources, grazing in riparian zones, and unknown sources.

**Lands/Realty:** There are ten BLM-issued rights-of-way near the area of the proposed project. Dawson County

has three road rights-of-way—MTM-100123, MTM-100124, and MTM-100223. The Montana Highway Commission has three road rights-of-way—MTM-059442, MTM-033065, and MTBIL-034593. There are three overhead electric lines—MTM-50251 is issued to Goldenwest Electric Cooperative, Inc.; MTM-046026 is issued to Bureau of Reclamation; and MTBIL-040115 is issued to Montana-Dakota Utilities Company. Mid-Rivers Telephone Cooperative, Inc. has one existing buried telecommunications cable right-of-way—MTM-79089.

Soils: Soils generally developed from residuum derived from the Ludlow and Tongue River Members of the Fort Union Formation. The principal ecological site is silty (MLRA 58A, 10-14 p. z). Surface textures are typically loams. Terrain is gentle. Soils within the project area are susceptible to water erosion.

Vegetation: The principal forage species are blue grama, needle-and-thread, and western wheatgrass. The badlands topography distinguishes this sub-type more than the species in it. The distinguishing species is shadscale saltbush and one of the marked characteristics is the common occurrence of greasewood on the hilly slopes. Other common grass species are Sandberg bluegrass, needle-and-thread, buffalograss, bluebunch wheatgrass, plains muhly, little bluestem, green needlegrass, and prairie sandreed. Common shrubs are broom snakeweed, plains pricklypear, sagebrush, silver sagebrush, rabbitbrush, Nuttall saltbush, and creeping juniper. Common forbs are scarlet globemallow, lambsquarter goosefoot, phlox, and wildbuckwheat.

Wetland/Riparian: There are no riparian reaches that have been delineated by BLM within the project area. However, review of the National Wetland Inventory database administered by the US Fish and Wildlife Service identifies approximately 6.52 acres of wetlands within 300 feet of the project area. Wetland types include freshwater pond, freshwater emergent, and riparian forested/ shrub.

Wildlife: The proposed action areas include habitats for pronghorn, mule deer, sharp-tailed grouse and numerous non-game wildlife species including migratory birds. BLM Sensitive Species could include spragues pipit, brewers sparrow and potentially others. All proposed cable installation right-of-way areas are within identified mule deer winter range. No threatened, endangered or other special status species are known to inhabit the subject areas.

Visual Resource Management (VRM): The visual resources landscape character in the proposed project location is managed under a Class II Management objective. The level of change to the characteristic landscape should be low. Management activities may be seen but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape. The objective of this class is to retain the existing character of the landscape.

## **ENVIRONMENTAL IMPACTS:**

### **DESCRIPTION OF IMPACTS FROM PROPOSED ACTION:**

Cultural: The proposed action would not impact cultural resources on BLM managed lands. Although the proposed action runs through the Seline Site ACEC boundaries, it would not impact the Seline Site itself. The site is over 200 feet from the proposed action and separated by a large hill. Unanticipated discoveries of cultural or paleontological materials during construction would be dealt with through the implementation of the cultural resources/paleontological stipulation attached to the ROW grant.

Hydrology: Short- and long-term impacts to water resources should be negligible. The use of horizontal boring under streams will minimize disturbance of sensitive resources. No clearing, topsoil removal, or grading will be done, and the methods used to lay cable will not require an open trench. As a result, the soil disturbance,

erosion, and overland flow caused by the project should be minimal.

Lands/Realty: Mid-Rivers will conduct horizontal boring under the roads. They will be a sufficient distance away from the overhead electric lines and the buried fiber optic/copper cable. Care should be used so as not to interfere with the existing authorizations.

Soils: Construction associated with the fiber optic cable would result primarily in compaction, with some soil mixing and ground cover removal. The 6.52 acre disturbance area would be located in a previously-disturbed area. Compaction would decrease nutrient cycling and increase overland flow until the site returns to natural rates due to freeze-thaw cycles and root development. Though the proposed action would disturb soils susceptible to water erosion, the disturbance area and impacts to soils would be minimal. Avoiding vehicle use during conditions which lead to ruts greater than four inches deep would reduce soil compaction and mixing by vehicles.

Wetland/Riparian: Short- and long-term impacts to wetland/riparian resources should be negligible. The use of horizontal boring under streams and wetlands will minimize disturbance of sensitive resources.

Wildlife: Overall effects to wildlife species including big game should be minimal and of short duration. Direct wildlife habitat loss from the proposed fiber optic cable installation would consist of approximately 6.52 acres adjacent to county roads.

Indirect effects to wildlife species include displacement and possible abandonment of migratory bird nests near the construction activities. Research indicates that migratory birds, especially sagebrush obligates are impacted by traffic and densities are reduced even when traffic volumes are low. Since the proposed action is adjacent to existing established roadways, effects to migratory birds has already occurred due to vehicle use. Nest abandonment and displacement could occur but the proposed action should not affect migratory bird populations.

Visual Resource Management (VRM): The project area is within a Class II VRM management objective. The proposed line would cause short term visual intrusions, such as during construction. After re-vegetation the landscape should return to have the existing characteristics and would not detract from the existing landscape.

#### **DESCRIPTION OF IMPACTS FROM ALTERNATIVE 1 - NO ACTION:**

Mid-Rivers Telephone Cooperative, Inc. would not be able to provide their subscribers in south Dawson County (Belle Prairie) with improved services and the latest innovations in the communication industry such as video, high-speed internet, and enhanced capacities for voice and data transmission.

**CUMULATIVE IMPACTS:** There will be no other cumulative impacts from this project in addition to those identified in Big Dry Resource Management Plan completed in 1996. A detailed discussion of these cumulative impacts can be found on Pages 111 to 156 of the Big Dry EIS.

Supplying enhanced phone services to residents in south Dawson County (Belle Prairie), Montana would not happen.



## **MITIGATION:**

The right-of-way grant would be issued under the authority of Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and subject to the terms and conditions in 43 CFR 2800, the application, mitigations as mentioned in the plan of development, and subject to the following stipulations:

1. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
2. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
3. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support construction equipment.
4. The holder shall conduct all activities associated with the construction, operation, maintenance, and termination of the right-of-way within the authorized limits of the right-of-way.
5. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et. seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
6. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
7. The holder shall coordinate with the parties holding authorized rights on the adjacent and affected lands.
8. This grant is issued subject to the holder's compliance with the mitigations set forth in the application/plan of development.

9. In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part 2800, including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.

**CONSULTATION/COORDINATION:**

Beth Schultz, Outside Plant Engineer, Mid-Rivers Telephone Cooperative, Inc.

**LIST OF PREPARERS:**

Doug Melton, Archaeologist  
Kent Undlin, Wildlife Biologist  
Dena Lang, Outdoor Recreation Planner  
Brenda Witkowski, Natural Resource Specialist (Weeds)  
Dalice Landers, Realty Specialist  
Mel Schroeder, Soil Scientist  
Chris Robinson, Hydrologist





**UNITED STATES**  
**DEPARTMENT OF THE INTERIOR**  
**BUREAU OF LAND MANAGEMENT**  
**MILES CITY FIELD OFFICE**  
**FINDING OF NO SIGNIFICANT IMPACT**

**MID-RIVERS TELEPHONE RIGHT-OF-WAY MTM-105509**  
**DOI-BLM-MT-C020-2013-0114-EA**

**BACKGROUND**

The origin of the environmental assessment was due to a request from Mid-Rivers Telephone Cooperative, Inc. for a right-of-way (ROW) to supply fiber optic telecommunications services to the residents in south Dawson County (Belle Prairie). Mid-Rivers Telephone Cooperative, Inc. would like to install a buried fiber optic telecommunications cable for improved services to their customers in south Dawson County (Belle Prairie). These rural customers would receive the latest innovations in the communication industry such as video, high-speed internet, and enhanced capacities for voice and data transmission. Some of the fiber optic line would be installed along the county roads and along some of Mid-Rivers' existing lines in some of the locations.

**FINDING OF NO SIGNIFICANT IMPACT**

On the basis of the information contained in the EA (DOI-BLM-MT-C020-2013-0114-EA), and all other information available to me, it is my determination that:

- (1) The implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in the Big Dry Resource Management Plan.
- (2) The Proposed Action is in conformance with the Record of Decision for the Big Dry Resource Management Plan; and
- (3) The Proposed Action does not constitute a major federal action having a significant effect on the human environment.

Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

**Context**

The proposed action is a site-specific action which would occur in Dawson County, Montana which is designated as available for acceptance of ROW proposals in the Big Dry RMP. The RMP anticipated that ROW applications would continue to be approved in areas where rights-of-way are allowed and stipulations from the BLM Manual 2800 will be used to protect resource values. The proposed action is in accordance with the Big Dry RMP.

Under the Proposed Action, ROW Grant, MTM-105509, would be issued to Mid-Rivers Telephone Cooperative, Inc. to allow them to install a fiber optic telecommunications cable across the following Federal lands (PD Lands):

- T. 15 N., R. 57 E., Section 5: Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;
- T. 16 N., R. 56 E., Section 28: SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Section 34: S $\frac{1}{2}$ N $\frac{1}{2}$ ;
- T. 16 N., R. 57 E., Section 22: W $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- T. 17 N., R. 56 E., Section 12: N $\frac{1}{2}$ NE $\frac{1}{4}$ ;
- T. 17 N., R. 57 E., Section 4: Lots 3-4, Dawson County, Montana, PMM.

This facility will be authorized with a ROW which will be issued under Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761). The ROW will be 20 feet wide and approximately 14,203.20 feet in length, and consist of 6.52 acres, more or less. The proposed project will be constructed, used, maintained, and terminated in conformance with the company's Plan of Development which was submitted with their application. Mid-Rivers will be subject to cost recovery, but will be exempt from rental in accordance with 43 CFR 2806.14(d) because they are financed under the Rural Electrification Act (REA). The ROW will be subject to the terms and conditions in 43 CFR 2800, the Plan of Development/application, and the stipulations listed below.

### **Intensity**

I have considered the potential intensity/severity of the impacts anticipated from the proposed action and all alternatives relative to each of the ten areas suggested for consideration by the CEQ.

**1. Impacts that may be both beneficial and adverse.** The proposed project would impact resources as described in the EA. In addition to mitigation measures included in the project design, BLM developed additional mitigation measures to further minimize or eliminate adverse impacts to other resources and land uses. These additional mitigation measures are identified in the proposed action and are attached to this document as ROW Stipulations. The EA also disclosed beneficial impact from the proposed project that they would provide their customers with enhanced phone services. None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the Big Dry Resource Area Management Plan.

**2. The degree to which the proposed action affects public health and safety.** No aspect of the proposed action would have an effect on public health and safety.

**3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** The proposed fiber optic cable would not impact cultural resources on BLM managed lands. A cultural resource inventory did not record any cultural sites on BLM managed lands in the project area. Sites located on non BLM managed lands would be avoided by the project (See the Report # listed in the EA). The proposed action would have no effect to historic properties on BLM managed lands. The proposed fiber optic cable would pass through the Seline Site ACEC boundaries, but would not affect the reasons the ACEC was designated. There are no park lands,

prime farmlands, wetlands, or wild and scenic rivers on public lands in the project area.

**4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.** No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action.

**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The analysis has not shown that there would be any unique or unknown risks to the human environment.

**6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** This project neither establishes a precedent nor represents a decision in principle about future actions. The proposed action is consistent with actions appropriate for the area as designated by the Big Dry RMP.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the EISs which accompanied the Big Dry RMP.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.** The proposed action will not adversely affect any district, site, highway, structure, or object listed or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** There are no threatened or endangered species or habitat in the area of the proposed action.

**10. Whether the action threatens a violation of Federal, State, Tribal or Local law or requirements imposed for the protection of the environment.** The proposed action does not threaten to violate any Federal, State, Tribal, or local law. Furthermore, the project is consistent with applicable land management plans, policies, and programs.



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Todd D. Yeager  
Field Manager

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4/16/2013

Date





**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MILES CITY FIELD OFFICE  
RECORD OF DECISION**

**MID-RIVERS TELEPHONE COOPERATIVE RIGHT-OF-WAY MTM-105509  
DOI-BLM-MT-C020-2013-0114-EA**

**DECISION**

It is my decision to select the Proposed Action Alternative as described in the Mid-Rivers Telephone Cooperative's EA for an underground fiber optic telecommunications cable. The EA and the FONSI analyzed the selected alternative and found no significant impacts. Implementation of this decision will result in the issuance of a Federal Land Policy and Management Act (FLPMA) ROW to Mid-Rivers Telephone Cooperative for an underground fiber optic telecommunications cable. The selected alternative is in conformance with the Big Dry Resource Management Plan.

**ALTERNATIVES**

In addition to the selected alternative, the EA considered the "No Action" alternative, which would carry out no management activities at this time.

**RATIONALE FOR SELECTION**

The purpose of the action is to allow Mid-Rivers Telephone Cooperative, Inc. to install a buried fiber optic telecommunications cable across the following Federal lands (PD Lands):

- T. 15 N., R. 57 E., Section 5: Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;
- T. 16 N., R. 56 E., Section 28: SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Section 34: S $\frac{1}{2}$ N $\frac{1}{2}$ ;
- T. 16 N., R. 57 E., Section 22: W $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- T. 17 N., R. 56 E., Section 12: N $\frac{1}{2}$ NE $\frac{1}{4}$ ;
- T. 17 N., R. 57 E., Section 4: Lots 3-4, Dawson County, Montana, PMM.

This action would be authorized by the issuance of an FLPMA ROW grant to Mid-Rivers Telephone Cooperative, Inc. The proposed action is in conformance with the Big Dry RMP/EIS. This proposed action will provide Mid-Rivers' customers in south Dawson County (Belle Prairie), Montana with enhanced phone services and the latest innovations in the telecommunication industry such as video, high-speed internet, and enhanced capacities for voice and data transmission.

**CONSULTATION AND COORDINATION**

The following BLM specialists were consulted: Doug Melton, Archaeologist; Kent Undlin, Wildlife Biologist; Dena Lang, Outdoor Recreation Planner; Melissa Schroeder, Soil Scientist; Chris Robinson, Hydrologist; Brenda Witkowski, Natural Resource Specialist (Weeds); and Dalice Landers, Realty Specialist. The

following Mid-Rivers specialist was consulted: Beth Schultz, Outside Plant Engineer. The Mid-Rivers Telephone Cooperative, Inc. ROW EA (DOI-BLM-MT-C020-2013-0114-EA) was made available online via the Miles City Field Office NEPA log.

## **IMPLEMENTATION**

Once the Mid-Rivers Telephone Cooperative, Inc. EA FONSI and Decision Record are approved, a FLPMA ROW grant will be issued to Mid-Rivers Telephone Cooperative, Inc. as described in the subject EA with the identified stipulations included as part of the grant. This decision will be effective immediately. Actions may begin immediately in accordance with any restrictions or constraints imposed by the grant and stipulations. The grant will be monitored for construction, use, maintenance, and termination.

## **ADMINISTRATIVE REVIEW OPPORTUNITIES**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, the notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision.

The appellant has the burden of showing that the decision appealed from is in error. If the appellant wishes to file a petition (request) pursuant to regulations 43 CFR 2801.10 for a stay (suspension) of the effectiveness of this decision during the time the appeal is being reviewed by the Board, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If the appellant requests a stay, they have the burden of proof to demonstrate that a stay should be granted.

### **Standards for Obtaining a Stay**

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.



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Todd D. Yeager  
Field Manager

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4/16/2013

Date

## **MITIGATION MEASURES/REMARKS:**

The right-of-way grant would be issued under the authority of Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and subject to the terms and conditions in 43 CFR 2800, the application, mitigations as mentioned in the plan of development, and subject to the following stipulations:

1. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
2. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
3. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support construction equipment.
4. The holder shall conduct all activities associated with the construction, operation, maintenance, and termination of the right-of-way within the authorized limits of the right-of-way.
5. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et. seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
6. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
7. The holder shall coordinate with the parties holding authorized rights on the adjacent and affected lands.
8. This grant is issued subject to the holder's compliance with the mitigations set forth in the application/plan of development.

9. In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part 2800, including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.